ORDINANCE 13-24 Passed: April 22, 2013

APPROVING AN AMENDMENT TO THE CENTRAL AREA TAX INCREMENT FINANCING DISTRICT AND TAX INCREMENT FINANCING DISTRICT NO. 2 FOR THE CITY OF DEKALB, BY REMOVING CERTAIN PROPERTIES THEREFROM.

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and,

WHEREAS, the Corporate Authorities of the City have heretofore established the Central District Tax Increment Financing District ("Central TIF") Tax Increment Financing District No. 2 within the City ("TIF 2", collectively, "the TIF Districts") pursuant to the applicable provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et. seq. ("the Act"); and,

WHEREAS, the Corporate Authorities have identified two parcels, more fully described below, that are within the TIF Districts that are either owned by Aldermen-elect who will soon take office, or which are under contract to be purchased by current Aldermen; and,

WHEREAS, under the TIF Act, ownership of property within a TIF by an elected official may be permitted under limited circumstances with disclosure and recusal, the City Council has determined that it is advantageous to eliminate any appearance of impropriety by removing the above-described parcels from within the TIF Districts; and,

WHEREAS, the City Council has reviewed the proposed alteration of the TIF Districts and the Redevelopment Plans therefor and hereby determines, that this proposed change does not: a) add additional parcels to the proposed redevelopment areas; b) substantially affect the general land uses proposed in the redevelopment plans; c) substantially change the nature of or extend the life of the redevelopment projects; or, d) increase the number of inhabited residential units to be displaced from the redevelopment project areas, as measured from the time of creation for the redevelopment project area, to a total of more than 10, and makes all other findings prerequisite to this amendment of the TIF Districts including but not limited to findings that the estimated equalized assessed valuation will not be unlawfully altered by this amendment, and thus finds that this alteration may be made without a public hearing or meeting of the Joint Review Board in full compliance with the TIF Act; and,

WHEREAS, the City Council determines that there is an urgent public need that will be mitigated by the passage of this ordinance, and hereby includes a statement of urgency and direction that the ordinance take effect immediately upon passage and approval, having made all required findings for such immediate effect;
THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. The City Council expressly adopts the foregoing findings by reference, as if fully restated herein. That the TIF Districts as defined above, within the City of DeKalb, be amended to formally exclude the two parcels referenced and legally described on the attached Exhibit A, and that all future redevelopment plans, proposals, maps or other documents relating to the TIF Districts be amended hereafter to reflect such properties as being excluded from the boundaries of the TIF Districts.

Further, the City Clerk is directed and authorized to: 1) mail a notice to each affected taxing district and registrant on the Interested Party Registries for the TIF Districts; and, 2) publish a notice in a newspaper of general circulation within the City of DeKalb, substantially in the following form, with both such actions to occur within ten days of the passage hereof.

Notice of Change of Boundaries and Amendment of City of DeKalb Central Area Tax Increment Financing District And Tax Increment Financing District No. 2 And Redevelopment Plans and Areas Approved Thereunder

Pursuant to City of DeKalb Ordinance 2013-24, passed as of April 22, 2013, and pursuant to 65 ILCs 5/11-74.4-5(c), the City of DeKalb City Council hereby provides public notice of an amendment to the Central Area Tax Increment Financing District ("the Central TIF") and Tax Increment Financing District No. 2 ("TIF 2", collectively, "the TIF Districts"), which amendment consists of the removal of certain properties from the boundaries of the TIF Districts. The properties removed are legally described as follows:

PIN 08 23 303 003 comprising the N 65FT S 176FT W 165FT LOTS 3 & 4 BLOCK 10 OF ORIGINAL TOWN, DEKALB, ILLINOIS

PIN 08 23 303 014 comprising the DEKALB CLINIC SUB - LOT 1 BLOCK 10, DEKALB, ILLINOIS

PIN 08 22 430 001 comprising LOT 1 BLOCK 9 OF ORIGINAL TOWN, DEKALB, ILLINOIS (PARKING LOT SOUTH OF FRANKLIN STREET)

PIN: 08-22-438-003 comprising LOTS 4 & 5 OF BLOCK 7 OF THE ORIGINAL TOWN, DEKALB, ILLINOIS

Any questions regarding this action may be directed to the City of DeKalb, 200 S. Fourth Street, DeKalb, Illinois 60115. This notice has been provided as of this 23rd day of April, 2013, in compliance with the requirements of the Illinois Tax Increment Allocation Redevelopment Act.
Section 2. All ordinances or portions thereof in conflict with this ordinance are hereby repealed. All agreements in violation of the terms of this Ordinance shall be terminated, effective immediately. The City Clerk shall issue a notice to the Office of the State Fire Marshall, advising of the passage of this Ordinance, and including a copy of the same.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect immediately after passage, based upon the statement of urgency included in the preamble above (incorporated by reference herein). Publication date: April 23, 2013. Effective date: April 23, 2013.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 22nd day of April, 2013 and approved by me as Mayor on the same day. Second reading waived and passed on roll call vote 7-0-1. Aye: Teresinski, Lash, Gallagher, Naylor, Baker, O’Leary, Povlsen. Abstain: Jacobson.

ATTEST:

DIANE K. WRIGHT, City Clerk

KRIS POVLSEN, Mayor
Exhibit A: Legal Descriptions

PIN 08 23 303 003 comprising the N 65FT S 176FT W 165FT LOTS 3 & 4 BLOCK 10 OF ORIGINAL TOWN, DEKALB, ILLINOIS

PIN 08 23 303 014 comprising the DEKALB CLINIC SUB - LOT 1 BLOCK 10, DEKALB, ILLINOIS

PIN 08 22 430 001 comprising LOT 1 BLOCK 9 OF ORIGINAL TOWN, DEKALB, ILLINOIS (PARKING LOT SOUTH OF FRANKLIN STREET)

PIN: 08-22-438-003 comprising LOTS 4 & 5 OF BLOCK 7 OF THE ORIGINAL TOWN, DEKALB, ILLINOIS
Certificate of Publication

I, Don T. Bricker, do hereby certify that I am the publisher of the *Daily Chronicle*, a secular newspaper of general circulation published in the County of DeKalb and State of Illinois, and that the same has been regularly published for at least 12 months prior to the date of the first publication of the notice attached hereto. I further certify that a notice, of which the annexed is a true printed copy, has been regularly published in said newspaper ______ time(s) on the following date(s):

5/2

I further certify that I am publisher of the *Daily Chronicle* and that said newspaper is a newspaper as defined by the terms and conditions of Chapter 100, paragraph 1, et. seq., Illinois Revised Statutes 1981.

Given under my hand at DeKalb, Illinois, this 5th day of May, A.D., 2013.

[Signature]

Publisher

(Founded in the Daily Chronicle
May 2, 1913)